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processed under FOIA principles if a request for its disclosure is received.

(e) Even though the retention period for past performance evaluation information is three years (*see* FAR 42.1503), the contractor's performance evaluation, any contractor rebuttal, and final decision become a part of the contract file. Therefore, disposal of the contractor's evaluation information must be accomplished in accordance with FAR 4.804.

### **PART 2943—CONTRACT MODIFICATIONS**

#### **Subpart 2943.2—Change Orders**

Sec.

2943.205 Contract clauses.

#### **Subpart 2943.3—Forms**

2943.301 Use of forms.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### **Subpart 2943.2—Change Orders**

##### **2943.205 Contract clauses.**

HCAs may establish procedures, or office policies, when appropriate for authorizing the contracting officer to vary the 30-day period for submission of adjustment proposals to the clauses prescribed by FAR 43.205.

#### **Subpart 2943.3—Forms**

##### **2943.301 Use of forms.**

(a) FAR 43.301(a)(1)(vi) requires the use of Standard Form 30 (SF-30) to execute any obligation or deobligation of contract funds after award. FAR 13.307(c)(3) allows, and the Department of Labor prefers, the use of the SF-30 for simplified acquisitions. The SF-30 also must be used to deobligate funds when effecting contract closeout when obligated funds exceed the final contract costs. In such an instance, the SF-30 may be issued as an administrative modification on a unilateral basis if the contractor's financial release has been separately obtained.

(b) The contracting officer must include, in any unilateral contract modification issued for contract closeout, a

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statement that the contractor has signed a release of claims and indicate the date the release of claims was signed by the contractor.

### **PART 2944—SUBCONTRACTING POLICIES AND PROCEDURES**

#### **Subpart 2944.1—General**

Sec.

2944.101 Waiver.

#### **Subpart 2944.2—Consent To Subcontract**

2944.201–1 Consent requirements.

2944.202 Contracting officer's evaluation.

2944.202–2 Considerations.

2944.203 Consent limitations.

#### **Subpart 2944.3—Contractors' Purchasing Systems Reviews**

2944.302 Requirements.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### **Subpart 2944.1—General**

##### **2944.101 Waiver.**

The waiver of consent must be in writing, signed by the contracting officer, and included in the contract file. The waiver must include all supporting facts, including the rationale for waiving the consent to subcontract requirements.

#### **Subpart 2944.2—Consent To Subcontract**

##### **2944.201–1 Consent requirements.**

In accordance with FAR 44.201–1(b) or FAR 44.201–2, advance notification and agreement are required for all cost-reimbursement, time-and-materials, or labor-hour subcontracts exceeding the simplified acquisition threshold.

##### **2944.202 Contracting officer's evaluation.**

##### **2944.202–2 Considerations.**

The review required by FAR 44.202–2(a) must be documented in writing (including supporting facts and rationale), signed by the contracting officer, and included in the contract file.

## Department of Labor

## 2945.302

### 2944.203 Consent limitations.

Any limitations placed on the consent to subcontract must be documented in writing (including supporting facts and rationale), signed by the contracting officer, and included in the contract file.

### Subpart 2944.3—Contractors' Purchasing Systems Reviews

#### 2944.302 Requirements.

The authority of the Assistant Secretary for Administration and Management under FAR 44.302(a), to raise or lower the \$25 million review level for a contractor's purchasing system, may not be delegated. When a contractor's purchasing system review is required by the contracting officer, the effort must be coordinated with the OASAM Business Operations Center's Division of Acquisition Management Services and the Division of Cost Determination.

## PART 2945—GOVERNMENT PROPERTY

### Subpart 2945.1—General

Sec.

2945.104 Review and correction of contractors' property control systems.

2945.105 Records of Government property.

### Subpart 2945.3—Providing Government Property to Contractors

2945.302 Providing facilities.

### Subpart 2945.4—Contractor Use and Rental of Government Property

2945.403 Rental-use and charges clause.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

### Subpart 2945.1—General

#### 2945.104 Review and correction of contractors' property control systems.

When the Government's property administrator determines that review and approval of the contractor's property control system rests with DOL, the Government's property adminis-

trator must review the system to determine whether the contractor will be able to meet the requirements of FAR 45.104. The review must be completed, signed by the appointed property administrator, and retained in the contract file.

#### 2945.105 Records of Government property.

Contracting officers must maintain a file on any Government-furnished property (GFP) in the possession of contractors. As a minimum, the file must contain the following:

(a) A copy of the applicable portions of the contract that list the GFP;

(b) Contracting officer's letters assigning the GFP administrator to the contract;

(c) Written evidence that the contractor's property control system was reviewed and approved as required by FAR 45.104;

(d) If applicable, documentation of the request and approval or denial of the contractor's requests to acquire or fabricate special test equipment in accordance with FAR 45.307 or other property;

(e) The contractor's written notice of receipt of the GFP and any reported discrepancies thereto, as required by FAR 45.502-1 and 45.502-2, respectively;

(f) Any other documents pertaining to or affecting the status of the GFP in the possession of contractors or subcontractors under the contract;

(g) Documentation of the screening and disposal of all GFP as required by FAR 45.6.

### Subpart 2945.3—Providing Government Property to Contractors

#### 2945.302 Providing facilities.

The HCA is authorized to make the determination to provide facilities to a contractor as prescribed in FAR 45.302-1(a)(4).